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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,666

07/10/2003

Mathias Karrer

4100-318

9948

27799

7590

01/23/2006

COHEN, PONTANI, LIEBERMAN & PAVANE

551 FIFTH AVENUE

SUITE 1210

NEW YORK, NY 10176

EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/616,666	KARRER ET AL.	
	Examiner	Art Unit	
	Robert R. Raevis	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 6, this claim calls for a "bearing unit" (among additional limitations) in addition to base claim 1's "wheel adapter". Yet, the top paragraph of p. 8 suggests that the bearing is part of the "adapter". Are the same elements of the adapter being claimed twice? (Once in claim 1's "adapter", and a second time in claim 6) If not, where does the adapter end in regard to the structure of Figure 2?

Claims 1,2,3,15 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamakado et al.

Yamakado et al teach (Figure 17) a device, including: movable test surface to simulate rolling conditions of a wheel which contacts the test surface with a contact force due; actuators 110 and/or 150 for changing the contact force in a predetermined manner; and structure operable to couple the actuators 110 and/or 150 to the wheel (collectively, the rotating structure to which the wheel is directly attached to on the vehicle), and which rotates with the wheel relative to the actuators. The actuators provide for a means for changing the contact force. In the embodiment of Figure 17, a friction force between the tire and belt can be detected, as described on col. 15, lines

23-25. No weight was given to the preamble, as it is a statement of intended use, despite that Yamakado does refer to simulation of a "slip" (col. 15, line 22).

As to claim 15, the bearing is operatively connected to the actuators, and the same bearing is connected to rim/hub (adapter).

Claim 4,9,10,7,8,16,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakado et al.

As to claim 4, the actuators suggest either electric or hydraulic actuators, as such actuators are strong enough to displace a vehicle. Also, note that Yamakado refers to a "detected force" (col. 3, line 65; col. 3, line 5), suggestive of a means to measure a holding force.

As to claim 9, element 7 is a computer, suggestive of a controller for the actuators.

As to claim 10, the multiple actuators 15,16,110,130 in embodiments (Figures 10 and 13) previous to that of Figure 17 suggest two actuators 110 for vertical displacement, and two actuators 150 for horizontal/vertical displacement.

As to claims 7,8,16,17, "actual running" (col. 2, lines 20-25) and "substantially the same as that during actual running of the vehicle" (ABSTRACT) is suggestive of use a nozzle to spray water on the test surface to test maneuvering on a wet road surface, especially as Yamakado teach measuring "friction" (col. 11, line 13).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rossi et al teach moving his test roller 3 up and down against a tire on a vehicle.

D'Angelo lifts (via lift 30) a wheel off of rollers 21,25, but does not lift "as the wheel *rotates*" (italics added, last two lines of Applicant's claim 11).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 5:30am to 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Robert R. Raevis*  
RAEVIS